IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

Crl.MC.No. 3188 of 2006()

CRIME NO. 563/06 OF MANJERI POLICE STATION

PETITIONER/ACCUSED:

T.K. MAHEESHATH, AGED 26,
D/O.MOIDEEN, THEKKINIKKAD VEEDU,
KUNNUMMAL, EDAVANNA, MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS:

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1. THE SUB INSPECTOR OF POLICE,
MANJERI POLICE STATION, MALAPPURAM DISTRICT.

2. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 3188 OF 2006

Dated this the 1st day of March, 2007

ORDER

The petitioner is the wife of a deceased person. There was some estranged relationship between the petitioner and her husband. She was residing at her parental home. There is a contention that the deceased along with two others had indulged in the acts of violence and had caused injuries to two brothers of the petitioner. In respect of that, Crime No.563/06 under Sec.324 of the IPC has been registered. Investigation into that crime is proceeding.

2. There is another crime (No.193/06) registered under Sec.302 of the IPC wherein the allegation is that the two brothers of the petitioner i.e., Manoj Babu and Mujeeb Rahman had attacked the deceased and inflicted injuries on him which ultimately resulted in his death. That crime is being investigated by the Edavanna Police Station within the jurisdiction of which that offence was committed. Crime No.193/06 registered under Sec.324 of the IPC is being investigated by the Manjeri Police.

3. The petitioner has come to this Court complaining about the inadequate investigation by the Manjeri police. Her specific contention is that the crime continues to be investigated under Sec.324 of the IPC, whereas grievous hurt has been suffered by both the injured persons - Manoj Babu and Mujeeb Rahman. Wound certificates have been produced before me by the learned Public Prosecutor. He submits that the wound certificates cannot at all lead to a safe conclusion that the injury suffered would answer the definition of `grievous hurt' under Sec.320 of the IPC.

4. The learned counsel for the petitioner, on the other hand, contends that one of the injured persons had later got himself admitted at the Medical College Hospital and if a proper investigation is done and the medical records of the Medical College Hospital are verified, it will be seen that the injured has suffered injuries which fall within the sweep of grievous hurt under Sec.320 of the IPC.

5. The O.P. Card produced shows that one of the injured – Manoj Babu, was admitted at the Medical College Hospital on 28/8/06 after reference from the local hospital on 26/8/06. I am in agreement with the learned counsel for the petitioner that the

police should not have omitted to question the officials at the Medical College Hospital by now to ascertain the precise nature and gravity of the injury suffered by the victims. I expect the police to do the same immediately.

6. I do not, in the facts and circumstances of this case, find any reason to transfer the investigation to any other official or agency. Suffice it to say that the Investigating Officer must immediately question the Medical College Hospital officials who attended on the two injured persons later to ascertain specifically whether any graver offence has been committed.

7. In these circumstances, this Crl.M.C. is allowed to the above extent only. I direct the Investigating Officer to forthwith and expeditiously ascertain the nature and gravity of the injury suffered by the victims by questioning the relevant Medical Officers who attended on them at the Medical College Hospital.

Sd/-

(R. BASANT, JUDGE)

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//true copy// P.S. To Judge